

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS
2:18 cr 173
Judge Sargent

UNITED STATES OF AMERICA

v.

ERIC A. ZEVELY

Case No:

JUDGE:

18 U.S.C. §§ 2251(a) & (e)
18 U.S.C. §§ 2252(a)(2) & (b)(1)
18 U.S.C. §§ 2252(a)(4)(B) & (b)(2)
18 U.S.C. §§ 2253(a)(1) & (3)
18 U.S.C. § 2422(b)
18 U.S.C. §§ 2428(a)(1) &
(b)(1)(A)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

On or about July 16, 2018, in the Southern District of Ohio, the defendant, **ERIC A. ZEVELY**, did employ, use, persuade, induce, entice, and coerce a minor, specifically Jane Doe, an approximately 10-year-old female, to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256(2)(A), for the purpose of producing and attempting to produce any visual depiction of such conduct, to wit: one or more digital image files depicting Jane Doe #1 engaged in sexually explicit conduct, including oral sexual intercourse and the lascivious display of the genitalia of any person; the production of such visual depictions using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, specifically a cellular phone that was manufactured in whole or in part outside of the state of Ohio.

In violation of 18 U.S.C. §§ 2251(a) & (e).

COUNT TWO

On or about August 1, 2018, in the Southern District of Ohio, the defendant, **ERIC A. ZEVELY**, did knowingly distribute one or more visual depictions using any means and facility of interstate and foreign commerce, including a cellular phone, the production of such visual depictions having involved the use of a minor engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such depictions being of such conduct, to wit: digital image files depicting Jane Doe, an approximately 10-year-old female, engaged in the lascivious display of the genitalia.

In violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT THREE

On or about August 9, 2018, in the Southern District of Ohio, the defendant, **ERIC A. ZEVELY**, knowingly possessed matter, that is, digital files stored on a cellular phone and Apple iMac Mini that contained one or more visual depictions; and such visual depictions were produced using materials that had been shipped and transported in interstate and foreign commerce, the production of such visual depictions having involved the use of minors engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such visual depictions being of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

COUNT FOUR

Between on or about June 16, 2018, and on or about June 28, 2018, in the Southern District of Ohio, the defendant, **ERIC A. ZEVELY**, did knowingly use a means or facility of interstate commerce, that is, a cellular phone and Internet-based communication platforms, to attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18

years, specifically an individual the defendant believed to be a 13-year-old female, to engage in sexual activity for which any person could be charged with a criminal offense, to wit, Ohio Revised Code § 2907.04, Unlawful Sexual Conduct with a Minor.

In violation of 18 U.S.C. § 2422(b).

FORFEITURE COUNT A

The allegations contained in Counts One through Three of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America, pursuant to 18 U.S.C. § 2253.

As a result of the offenses alleged in Counts One through Three of this Indictment, and upon conviction thereof, the defendant, **ERIC A. ZEVELY**, shall forfeit to the United States:

- a. All matter containing any visual depiction described in the allegations contained in Counts One through Three of this Indictment; and
- b. All property used or intended to be used to commit and to promote the commission of the aforementioned violations in Counts One through Three of this Indictment, including but not limited to the following:
 - i. One Apple iPhone 8 serial number F4JM3HR6JC67; and
 - ii. One Apple iMac Mini, serial number C0ZR36RRG1HV.

In violation of 18 U.S.C. §§ 2253(a)(1) and (3).

FORFEITURE COUNT B

The allegations contained in Count Four of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America, pursuant to 18 U.S.C. § 2428.

As a result of the offense alleged in Count Four of this Indictment, and upon conviction thereof, the defendant, **ERIC A. ZEVELY**, shall forfeit to the United States:

- a. All property used or intended to be used to commit or to promote the commission of the aforementioned violation in Count Four of this Indictment, including but not limited to the following:

- i. One Apple iPhone 8 serial number F4JM3HR6JC67.

In violation of 18 U.S.C. §§ 2428(a)(1) and (b)(1)(A).

A TRUE BILL.

s/Foreperson
FOREPERSON

BENJAMIN C. GLASSMAN
UNITED STATES ATTORNEY

s/Heather A. Hill
HEATHER A. HILL (IL 6291633)
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s/Courter Shimeall
S. COURTER SHIMEALL (0090514)
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